



California Regulatory Notice Register

REGISTER 2009, NO. 28-Z

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JULY 10, 2009

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.76, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend Regulation Section 1859.76, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes reference Sections 17070.35, 17072.12 and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school

districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting, which was approved by the Office of Administrative Law and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. Districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended no later than January 1, 2008 unless extended by the SAB. The SAB, at its December 12, 2007 meeting, extended the suspension date to "no later than January 1, 2009," which was approved by the Office of Administrative Law and filed with the Secretary of State on July 10, 2008. The SAB, at its February 25, 2009 meeting, approved extending the suspension date to "no later than January 1, 2010."

The proposed amendment to one SFP regulation section is as follows:

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended "no later than January 1, 2009" unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until "no later than January 1, 2010."

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following deter-

minations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than August 24, 2009, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STRATEGIC GROWTH COUNCIL

NOTICE OF INTENTION TO ADOPT A CONFLICT OF INTEREST CODE FOR THE GOVERNOR'S STRATEGIC GROWTH COUNCIL

NOTICE IS HEREBY GIVEN that the Strategic Growth Council, pursuant to the authority vested in it by section 87300 of the Government Code, proposes to adopt a Conflict of Interest Code. The purpose of these amendments is to implement the requirements of sec-

tions 87300 through 87302, and section 87306 of the Government Code.

The Strategic Growth Council proposes to adopt a Conflict of Interest Code to report positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of sections 87300 through 87302, and section 87306 of the Government Code. The Strategic Growth Council is proposing to report the following positions in a Conflict of Interest Code:

1. **Member, Governor's Strategic Growth Council**
2. **Executive Director**
3. **Research Staff**
4. **Consultants**

Copies of the proposed code are available and may be requested from the Governor's Office of Planning and Research. Any interested person may submit written statements, arguments, or comments relating to the proposed conflict of interest code by submitting them in writing no later than August 28, 2009, to the Contact Persons set forth below.

At this time, no public hearing has been scheduled concerning the proposed conflict of interest code. If any interested person or the person's duly authorized representative requests a public hearing, he or she must do so no later than 15 days prior to the close of the written comment period by contacting the Contact Persons set forth below.

The Strategic Growth Council has initially determined that the proposed conflict of interest code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any State agency.
3. Imposes no cost on any local agency or school district that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the State.
6. Will not have any potential costs impact on private persons, businesses or small businesses.

In making this proposed conflict of interest code, the Strategic Growth Council has determined that no alternative considered by the Strategic Growth Council would be more effective in carrying out the purpose for which the conflict of interest code is proposed or would be as effective and less burdensome to affected persons than the proposed conflict of interest code.

The Strategic Growth Council has prepared a written explanation of the reasons for the designations and the

disclosure responsibilities, and has available all of the information upon which its proposal is based.

CONTACT PERSONS

All inquiries concerning this proposed conflict of interest code and any communication required by this notice should be directed to: Julia Lave Johnston at julia.johnston@opr.ca.gov or by calling her direct line at (916) 324-4002.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE: DEPARTMENT OF VETERANS AFFAIRS
CALIFORNIA BUILDING STANDARDS COMMISSION

A written comment period has been established commencing on **July 10, 2009**, and closing on **August 24, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **August 24, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Junipero Serra State Building, 320 West Fourth Street, Los Angeles, California 90013, at 10:00 a.m., on August 24, 2009.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office not later than 5:00 p.m. on August 24, 2009 or must be received by the commission at the hearing. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 144, 18611, 18648, and 18881 of the Business and Professions Code, and to implement, interpret or make specific Sections 144, 18640, 18641, 18648, 18660, 18661, 18714, 18776, 18840, 18881, and 18882 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 144 authorizes the commission to require an applicant to furnish to the commission a full set of fingerprints for purposes of conducting criminal history record checks. In addition, the commission may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

Business and Professions Code section 18640 specifies that the commission has the sole direction, management, control of, and jurisdiction over all professional and amateur boxing, professional and amateur kickboxing, full contact martial arts contests, and matches or exhibitions which are conducted, held, or given within this state.

1. Amend section 211.

Existing regulations specify the fingerprint and photograph requirements when applying for licensure.

This proposal would clarify that the fingerprint and photograph requirements apply to sole proprietors, every partner in a partnership, all members of a limited liability company, every shareholder, officer or director of a nonpublic corporation, and every officer and director of a public corporation.

2. Amend section 213.

Existing regulations specify the requirements for a promoter's license.

The proposed regulations would clarify the financial responsibility and standard and require that he/she possesses the necessary knowledge and experience to act as a promoter or employs a person who possesses those qualifications.

3. Adopt section 213.2.

Business and Professions Code section 18666 requires licensed promoters to inform the commission of changes in personnel.

This proposal would specify that the promoter shall provide fingerprints and a financial statement for persons who become connected with or obtain a proprietary interest in the promoter during the term of an existing promoter's license.

4. Amend section 293.

Existing regulations require that ringside physicians have a suitable place or room in which to make their examinations.

This proposal would clarify that ringside physicians must be provided with dressing rooms and facilities which meet the requirements of Section 292.

5. Amend section 405.

This proposal would conform this to a change previously made to section 406 reducing the qualifying age of retired professional boxers from 55 to 50 in order to receive benefits from the retirement plan.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. There may be a standard cost for fingerprinting in regard to individual licensees who will incur the cost at the time of initial licensure. The cost for fingerprinting is a one-time cost ranging from \$20 to \$80 per licensee.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

**AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Bill Douglas
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263–2195
Fax No.: (916) 263–2197
E-Mail Address: william_douglas@dca.ca.gov

The backup contact person is:

Name: Gil DeLuna
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263–2195
Fax No.: (916) 263–2197
E-Mail Address: gil_deluna@dca.ca.gov

Materials regarding this proposal can be found at www.dca.ca.gov/csac.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION ASSISTANCE TO BINGO PLAYERS WITH DISABILITIES

CGCC-GCA-2009-03-C

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described below in the Informative Digest and Policy Statement Overview.

NO PUBLIC HEARING SCHEDULED

At this time, the Commission has not scheduled a public hearing. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on August 24, 2009**. Written comments should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any

modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 19850.5 and 19850.6 of the Business and Professions Code, and Sections 326.3 and 326.5, Penal Code; and to implement, interpret or make specific Sections 19850.5 and 19850.6 of the Business and Professions Code, and Sections 326.3 and 326.5 of the Penal Code; the Commission is proposing to adopt the following changes to Chapter 8 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

Business and Professions Code section 19850.6 directs the Commission to adopt appropriate emergency regulations as soon as possible, with the initial regulatory action to be filed with the Office of Administrative Law (OAL) by May 1, 2009. The initial regulatory action for the interim approval of bingo card-minding devices was filed with OAL on December 18, 2008¹ and became effective January 1, 2009. The emergency adoption of Section 12482 was approved by OAL on May 18, 2009² and became effective on that date. Section 12482 will remain in effect for 180 days during which time this proposed action is being pursued in compliance with Government Code section 11346.1(e).

SPECIFIC PROPOSAL:

Pursuant to its authority under Penal Code Section 326.5(p)(6), the California Gambling Control Commission (Commission) is proposing to adopt regulations that will establish means by which the operator of a bingo game shall offer assistance to players with disabilities. The proposed regulations prescribe options for providing reasonable accommodation to a disabled player, but at the same time do not impose an undue hardship on the operators because the accommodations do not require significant difficulty or expense. The adoption of the proposed regulations will implement one element of the California Remote Caller Bingo Act (CRCBA),³ as mandated by Penal Code section 326.5.

¹ See OAL File No. 2008-1218-06 E

² See OAL File No. 2009-0508-03 E

³ Chapter 748, Statutes of 2008 (SB 1369, Cedillio and Battin, et al.)

EXISTING LAW:

Penal Code section 326.5, subdivision (o), provides that electronic or video displays shall not be used in connection with the game of bingo, except in connection with the caller's drawing of the numbers or symbols, public display of that drawing, and except in connection with the use of hand-held, portable card-minding devices used by players who are physically present at a bingo game. Subdivision (p) provides that players who are physically present at a bingo game may use hand-held, portable card-minding devices that meet specified requirements to assist in monitoring the numbers or symbols announced in a live game. This subdivision also requires that the Commission approve any card-minding device in advance of its use. Paragraph (6) of subdivision (p) provides that the Commission may adopt regulations specifying the means by which the operator of a bingo game may offer assistance to players with disabilities in order to enable those players to participate in a bingo game. This paragraph further specifies that the means of providing assistance shall not be through any electronic, electromechanical, or other device or equipment that accepts the insertion of any coin, currency, token, credit card, or other means of transmitting value, and does not constitute or is not a part of a system that constitutes a video lottery terminal, slot machine, or devices prohibited by Chapter 10 (commencing with Section 330).

Title 4, California Code of Regulations, Section 12482, currently requires the operator of a bingo game to provide certain reasonable accommodations for players with disabilities consistent with definitions set forth in the Americans with Disabilities Act (ADA).

Title 4, California Code of Regulations, Section 12486, currently establishes requirements for the interim approval of card-minding devices, and any modifications to approved devices, as well as the use of those devices in the play of bingo.

EFFECT OF REGULATORY ACTION:

This proposal makes permanent Section 12482, adopted as an emergency regulation effective May 18, 2009, in Article 1, Chapter 8, Division 18, Title 4 of the California Code of Regulations as follows:

1. Subsection (a) lists the means by which the operator of a bingo game shall accommodate players with disabilities that affect their ability to mark bingo cards. These means include the use of card-minding devices, the waiver of fees, and alternative methods for claiming prizes. Specifically, those accommodations include the following:
 - a. Paragraph (1) requires the operator of a bingo game that offers card-minding devices, to reserve a minimum of two card-minding

devices for use by players with disabilities. If there are no requests for use of the devices by players with disabilities prior to fifteen minutes before the scheduled start of a session, the operator may make the reserved card-minding devices available for use by any player.

- b. If the operator of a bingo game charges a fee for the use of an electronic card-minding device, paragraph (2) requires the operator to waive the fee and to waive any minimum purchase requirement imposed on players utilizing electronic card-minding devices, for players with disabilities described in subsection (a). Disabled players are not relieved of the requirement to pay any fee or to comply with any minimum purchase requirement, imposed on players that do not use card-minding devices.
 - c. Paragraph (3) requires the operator of a bingo game to allow players with disabilities described in subsection (a) to present a print out of winning cards, or other evidence of a winning card approved by the Commission, in order to claim a prize.
2. Subsection (b) requires the operator of a bingo game to allow players with disabilities consistent with definitions set forth in the ADA, when such disabilities would restrict their ability to verbally announce "BINGO," to utilize a form of visual or audible signaling to notify the operator of a winning pattern or "bingo," which may include a flag, paddle, light, horn, bell or whistle, or other means approved by the Commission.
3. Subsection (c) requires the operator of a bingo game to allow players with disabilities consistent with definitions set forth in the ADA, when such disabilities would restrict their ability to mark cards, or announce "BINGO," to bring another individual to assist them in playing bingo. The assisting individual shall not count towards the 750-player maximum applicable to remote caller bingo provided in Penal Code section 326.3(i).

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

None.

NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:

None.

LOCAL MANDATE:

None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTION 17561 REQUIRES REIMBURSEMENT:

None.

IMPACT ON BUSINESS:

The Commission has made the initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

IMPACT ON JOBS/NEW BUSINESSES:

The Commission has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS:

None.

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action may affect small businesses if any affected charity qualifies as a small business.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information

upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Regulatory Actions Manager
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: Jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joy Calkin, Staff Services Analyst
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231
Telephone: (916) 263-0700
Fax: (916) 263-0452
E-mail: Jcalkin@cgcc.ca.gov

WEB SITE ACCESS

Materials regarding this proposed action are also found on the Commission's Web site at www.cgcc.ca.gov.

TITLE 9. DEPARTMENT OF MENTAL HEALTH

NOTICE OF PROPOSED RULEMAKING

TITLE 9, CALIFORNIA CODE OF REGULATIONS AMEND SECTION 1810.203.5 AND ADOPT SECTION 1850.350 REGARDING EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT APPEAL PROCESS

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Department of Mental Health (DMH) is proposing to take the action described in the Informative Digest.

Any interested person may submit written statements, arguments, or comments relating to this proposal by submitting them in writing no later than August 24, 2009, or at the conclusion of the public hearing, if any, whichever comes later, to the contact person listed below.

A public hearing regarding this proposal has not been scheduled; however any interested person or his or her duly authorized representative may request that one be held, no later than August 9, 2009, by contacting the person listed below.

Following the public hearing the Department of Mental Health may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony, if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4005.1, and 4027 of the Welfare and Institutions Code, and to implement, interpret or make specific section 5778 of the Welfare and Institutions Code, the Department of Mental Health (DMH) is seeking changes to Division 1 of Title 9 of the California Code of Regulations as fol-

lows: amend Section 1810.203.5 and adopt Section 1850.350.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department is required to implement managed mental health care for Medi-Cal recipients through either a fee-for-service basis of reimbursement or with capitated contracts with counties, counties acting jointly, qualified individuals or organizations or nongovernmental entities. The Department is responsible for assuming specified program oversight authority formerly provided by the State Department of Health Care Services, including but not limited to oversight of certain utilization controls. This oversight responsibility entails, in part, conducting various reviews of Mental Health Plans (MHP), including subcontracting providers, which may result in Medi-Cal disallowances and/or Plans of Correction.

The Department convened and participated in a workgroup with representation from the County Mental Health Directors Association (CMHDA), provider (subcontractor) organizations and Department staff to discuss related issues and explore possible proposals regarding appeals procedures. The chief desire of the subcontractor organizations regarding the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) record review appeals process was to address the fact that subcontractors could not directly appeal to the Department without the MHP's agreement to submit the appeal on the subcontractor's behalf. Additionally, providers wanted assurance that the MHP could not block their appeal submission.

A requirement to develop a progressive appeal process, with the ability for the MHP subcontractors to directly appeal to the Department, was placed in Assembly Bill 1780 as an amendment to Section 5778 of the Welfare and Institutions Code. This bill was signed into law on September 26, 2008 and required the Department to propose a rulemaking package by no later than the end of the 2008-09 fiscal year to address adoption of an appeals process.

This proposed regulation package will provide an appeal process that includes a progressive process to resolve disputes about claims or recoupment relating to specialty mental health services under the Medi-Cal specialty mental health services waiver that result from record reviews of EPSDT providers. These regulations allow for the MHP subcontractor to appeal directly to the Department.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESSES

The Department of Mental Health has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610 because an appeal process currently exists without a formal hearing. These regulations add to that existing process without any associated fees. Additionally persons or entities are not mandated to utilize this process and will only do so voluntarily.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The Department of Mental Health has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department of Mental Health is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS: None

CONSIDERATION OF ALTERNATIVES

The Department of Mental Health has determined that no reasonable alternative considered by it or that

has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of these regulations and written comments may be directed to:

Jon Cordova
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Gayathri Murthy
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 653-4460

Comments may also be submitted by facsimile (FAX) at (916) 651-3852 or by e-mail to regulations@dmh.ca.gov. Comments must be submitted prior to 5:00 p.m. on August 24, 2009.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department of Mental Health has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Department of Mental Health at 1600 9th Street room 435, Sacramento, CA 95814. These documents may also be viewed and downloaded from the DMH website at www.dmh.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal may be found at www.dmh.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

RH05042805

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that the Insurance Commissioner proposes to amend Sections 2632.13 of Subchapter 4.5, Title 10, of the California Code of Regulations.

AUTHORITY AND REFERENCE

The Commissioner proposes to amend the regulation under the express authority of California Insurance Code Sections 1861.02, 1861.025, 12921 and 12926 as well as *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989) and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). The proposed regulation will implement, interpret and make specific the provisions of California Insurance Code Sections 1861.02 and 1861.025.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

**Date and time: Wednesday, August 26, 2009
at 10:00 a.m.**

**Location: Employment Development
Department
Auditorium (first door on the right)
722 Capitol Mall
Sacramento, CA 95814**

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to present oral and/or written comments at the hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Lisbeth Landsman-Smith, Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3561
E-mail: landsmanl@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Bruce Patton
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3560
E-mail: pattonb@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at her address listed above, no later than 5:00 p.m. on August 26, 2009. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: landsmanl@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of the contact person for this proceeding using the following facsimile number: (916) 324-1883. **Comments shall be transmitted by one method only and are subject to the deadline set forth above for written comments. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Person

with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with Insurance Code Section 10089.11(c) and the provisions of Subchapter 4.9, Title 10, California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street, 21st Floor
San Francisco, California 94105
(415) 538-4190

A copy of any written materials submitted to the Public Advisor regarding this rulemaking shall also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 103, approved by California voters in 1988, requires that insurance rate changes be subject to the prior approval of the Insurance Commissioner (the "Commissioner") and sets forth the means by which automobile insurance rates and premiums are to be determined. In addition, Proposition 103 makes every person who qualifies as a "good driver" eligible to purchase a Good Driver Discount policy from the insurer of his or her choice (Insurance Code §§ 1861.02(b), 1861.025).

Insurance Code section 1861.025(b)(1)(A) excludes a driver from eligibility for a Good Driver Discount policy who, in the previous three years, has more than one point counted against him or her due to various traffic code violations and accidents that resulted only in damage to property for which he or she is "principally at fault." Insurance Code section 1861.025(c)(3) excludes a driver from eligibility who, in the previous three years, was involved in an accident that resulted in the bodily injury or death of any person for which he or she is "principally at fault."

In addition, Insurance Code section 1861.02 establishes three mandatory rating factors that insurers must use to set rates, the first being the "insured's driving

safety record." Section 2632.5 of Title 10 of the California Code of Regulations defines the "insured's driving safety record" as the insured's motor vehicle traffic conviction record and the insured's history of "principally at fault" accidents.

The guidelines for determining whether a driver is "principally at fault" for an accident and for determining a driver's eligibility for a Good Driver Discount policy are found in section 2632.13 of Title 10 of the California Code of Regulations (hereinafter "Section 2632.13").

Since its last amendment, insurers, consumer advocates, and Department of Insurance (the "Department") staff have observed numerous problems with the interpretation and implementation of Section 2632.13. On June 22, 2007, the Department held a workshop to discuss improvements to the regulation. After considering comments received by workshop participants, the Commissioner proposes amending section 2632.13 to clarify and update its provisions.

The proposed amendments are as follows:

- The title of the regulation is amended to clarify that it contains guidelines for two separate determinations, determining "principally at fault" accidents and determining eligibility for the Good Driver Discount policy.
- Former subsection (a): This subsection is amended to explain that the "principally at fault" determination is applicable to the Good Driver Discount determination (Cal. Ins. Code section 1861.025) and to the "insured's driving safety record" (Cal. Ins. Code section 1861.02, 10 CCR section 2632.5).
- Former subsection (b) is amended as follows:
 - Subsection (b) is moved to subsection (j) and subsections (c)–(j) are re-lettered (b)–(i), respectively.
 - In addition, part of the text of former subsection (b), which refers to Vehicle Code section 12810, specifically subsections (e), (g) and (h) are re-lettered (f), (i)(1), and (j), respectively.
 - Former subsection (b)(3), now (j)(3), is also amended to clarify that an insurer may choose to classify an accident as either property damage or bodily injury/death, but not both.
 - The second sentence in former subsection (b)(3) is removed.
 - Finally, former subsection (b) is amended to clarify the distinction between DMV points and points that may be assigned by an insurer for "principally at fault" accidents involving property damage.

- Former subsection (c) is amended as follows:
 - This section is amended to further define the term “principally at fault” for accidents involving bodily injury and death.
 - The threshold loss for property damage is revised upward from \$750 to \$1000.
- Former subsection (d) is amended as follows:
 - Former subsection (d)(1) is deleted.
 - With the deletion of subsection (d)(1), former subsections (d)(2)–(d)(7) are renumbered (c)(1)–(c)(6), respectively.
 - Former subsection (d)(7), now (c)(6), is amended to clarify that a driver cannot be found “principally at fault” when the driver reasonably could not have avoided an accident.
- Former subsection (e): The clause “other than an indisputably solo accident and which is not of the type specified in subpart (d)” is omitted.
- Former subsection (f) is amended as follows:
 - Former subsection (f)(1) is amended to allow subsequent insurers to find that a driver is “principally at fault” for an accident, even if the driver was not formally charged by the insurer at the time of the accident.
 - Former subsections (f)(2) and (f)(3) were amended to correct typographical errors and to re-letter the subsections in accordance with the other amendments.
 - A paragraph is added to former subsection (f), now subsection (e)(4), to allow subsequent insurers to find that a driver was “principally at fault” for an accident when the driver provides written confirmation to that effect.
- Former subsection (g) is amended as follows:
 - The clause “or if the driver confirms in writing that the driver is principally at fault for the accident as defined by subsection (b)” is added.
 - Former subsection (g)(3) is merged with subsection (g)(2), now (f)(2), and amended to clarify the guidelines in cases where a driver was involved in an accident for which there was no prior carrier and the insured fails to respond to written request for information regarding the accident.
- Former subsection (i) is amended as follows:
 - The last sentence of the first paragraph is deleted.

- In addition, the first paragraph is amended to create a mechanism that allows an insurer to use contrary information to rate the driver if the driver confirms that the contrary information is true.
- The last paragraph is omitted.
- Former subsection (j) is amended as stated above (see former subsection (b) and (c).)
- References to subsections within the text of the entire regulation are re-lettered as necessary, in accordance with the amendments.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

OTHER STATUTORY REQUIREMENTS

There are no other specific statutory requirements applicable to the proposed regulations.

The Commissioner has made the following initial determinations:

Mandates On Local Agencies Or School Districts

— Regulatory action imposed herein will result in no program mandates on local agencies or school districts.

Fiscal Impact — The regulations will involve no costs or savings to any State agency, no reimbursable costs to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no nondiscretionary costs or savings to local agencies, and no costs or savings in federal funding to the State.

Impact On Housing Costs — The proposed regulations will have no significant effect on housing costs.

Economic Impact On Businesses — The proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because it amends existing insurance regulations.

Cost Impact On Private Persons Or Entities/Businesses — Other than the cost impact incurred under the existing regulations, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment Regarding Effect on Jobs/ Businesses — Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Impact On Small Business — The proposed regulations will only affect insurance companies and will

therefore not affect small business. Pursuant to Government Code section 11342.610(b)(2), insurers are not small businesses.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Commissioner invites public comment on alternatives to this regulation.

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based as well as the express terms of the proposed action. The initial statement of reasons and the text of the proposed amendment are available on the Department's website and may be accessed as explained below.

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above, which currently includes this notice, the proposed text of the regulation, and the initial statement of reasons. Requests for inspection and copying should be directed to the contact person listed above. The final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should also be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulation, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, at the right hand side of the page "Quick Links." The third item in this column under this heading is "For Insurers"; on the

drop-down menu for this item, select "Legal Information." When the "Insurers: Legal Information" screen appears, click the third item in the list of bulleted items near the top of the page: "Proposed Regulations."

The "Insurers: Proposed Regulations" screen will be displayed. Select the only available link: "Search for Proposed Regulations." Then, when the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH05042805" (the Department's regulation file number for this regulation) in the search field. Alternatively, search by keywords ("principally at fault," for example, or "Good Driver Discount"). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Currently Proposed Regulations" link. A list of the names of regulations for which documents are posted will appear.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposed text are appropriate. If the Commissioner makes changes that are sufficiently related to the original proposed text, copies of the changed text will be made available to the public for at least 15 days before the Commissioner adopts the regulation as modified. Please send requests for copies of any changed text to the Contact Person listed above. Copies of the changed text will automatically be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. The Commissioner will accept written comments concerning the changes only, for a period of at least 15 days after the date on which the changed text is made available.

TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs, pursuant to the authority vested in it by section 87306 of the Government Code, proposes to amend its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The California Department of Veterans Affairs proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of Government Code.

This amendment updates the designated positions and reporting categories that must disclose their financial interests according to the Conflict of Interest Code and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than August 10, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 26, 2009, by contacting the Contact Person set forth below.

The California Department of Veterans Affairs has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California Department of Veterans Affairs has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Department of Veterans Affairs must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the

amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Angela Willett
California Department of Veterans Affairs
1227 O Street, Room 402
Sacramento, CA 95814
(916) 651-3068
angela.willett@cdva.ca.gov

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 5510, 8389, 8550, 8552.1, 8553 and 8555 of the Fish and Game Code and to implement, interpret or make specific sections 713, 1050, 7850, 7850.5, 7852.2, 8043, 8053, 8389, 8550-8557, and 8559 of said Code, proposes to amend sections 163 and 164, Title 14, California Code of Regulations, relating to the commercial herring fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permit qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; fishing quotas; seasons; gear restrictions; quotas; and landing and monitoring requirements.

The proposed regulations would establish the fishing quota, season dates and times for fishing operations for the 2009-2010 season in San Francisco Bay based on the most recent biomass assessments of spawning populations of herring as well as season dates and times for fishing operations for the 2009-2010 season in Tomales Bay. There are no quota changes proposed for Crescent City Harbor, Humboldt or Tomales bays for the 2008-09 herring season.

The following is a summary of the proposed changes in Sections 163, and 164, Title 14, CCR:

Option 1

- The Department recommended proposed regulations would set the San Francisco Bay quota at 0 tons, which represents a 0 percent harvest of the 2008–09 spawning biomass estimate. If the Commission were to adopt this option, this would close the herring roe and herring–eggs–on–kelp fishery in San Francisco Bay for the 2009–2010 season.
- The Department recommended proposed regulations would close the open ocean fishery that takes place for herring, primarily in Monterey Bay. An incidental allowance of no more than 10 percent herring by weight of any load composed primarily of other coastal pelagic fish species or market squid may be landed.
- The Department recommended proposed regulations would set the dates of the roe herring fishery in Tomales Bay from noon on Sunday, December 27, 2009, until noon on Friday, February 26, 2010.

Option 2

- The alternative proposed regulations would allow a quota within the range of zero to 10 percent of the 2008–2009 spawning biomass estimate of 4,844 tons.
- The alternative proposed regulations would allow a harvest rate of seven percent of the 2008–2009 spawning biomass.
- The alternative proposed regulations would create one San Francisco Bay herring season with a common quota for all platoons for the 2009–2010 season.
- The alternative proposed regulations would modify San Francisco Bay herring permit requirements only for the 2009–2010 season, by requiring two permits of any type (DH, Odd, or Even) for an individual to fish one net (minimum allowed per vessel), and four permits of any type (DH, Odd, or Even) for an individual to fish two nets (maximum allowed per vessel).
- Alternative proposed regulations would allow fishing in San Francisco Bay from 5:00 p.m. on Sunday, January 3, 2010, until noon on Friday, February 26, 2010.

The following are minor editorial changes proposed to improve clarity and consistency of the regulations:

- The proposed regulations would correct the Limited Entry Pacific Herring permit application number in subsection 163(b)(1) and the Herring Eggs on Kelp permit application number in

subsection 164(h)(1) to coincide with the 2009–2010 season applications.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, August 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, September 3, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 27, 2009 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 31, 2009. All comments must be received no later than September 3, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Mr. John Mello, Marine Region, Department of Fish and Game, (707) 441–5755 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full com-

pliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

Japan remains the major market for California herring roe (Kazunoko), which is processed for consumption in Japan as a traditional salted roe product or flavored roe product. Very recent gains in the Japanese Yen against the US dollar could provide for future increase in demand for herring roe. Nonetheless overall trends in ex-vessel prices continue to decline. Market observers attribute this decline to changing tastes, preferences, and demographics in Japan over the years.

The California commercial herring fishery takes place in four areas; San Francisco Bay, Tomales Bay, Humboldt Bay, and Crescent City Harbor. However, the greatest economic activity is derived from herring ventures in San Francisco Bay, which typically generate about 90 percent of the total average annual value for this California fishery. In real dollars, San Francisco Bay herring landings have averaged about \$2.7 million in ex-vessel value to the fishermen since 2004. All the herring fishermen and herring processing plants are small businesses as defined under Government Code Section 11342.610.

In the 2008–2009 commercial herring season, San Francisco Bay landings amounted to 507 tons total, out of an available 1,118 ton quota. Depending on which option the Commission chooses for 2009–2010, the quota will be between

zero and 484 tons (10 percent of the 2008–2009 spawning estimate of 4,844 tons). Given this range relative to last season, the potential direct impacts are \$20,900 to \$479,000 in lost revenue to the fishermen. The resulting total output impact to the State's economy from this potentially lost revenue is \$37,000 to \$850,000. This is based on an economic output multiplier of 1.774 for calculating total direct, indirect, and induced impacts to California's economy from the herring fishery.

The Commission has made an initial determination that the amendment of this regulation may have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Given a range of \$20,900 to \$479,000 in potential lost revenue to the fishermen, the employment impacts are estimated to be between five to 105 jobs lost. This is based on an employment multiplier of 218.3 jobs per million dollars in lost fishing revenue in the California herring fishery.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new fees or reporting requirements stipulated under the proposed regulations.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 15. CALIFORNIA PRISON
INDUSTRY AUTHORITY**

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections**

**Division 8
California Prison Industry Authority**

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Government Code (GC) Sections 12838 and 12838.6, and Penal Code (PC) Section 2800 et seq. in order implement, interpret and make specific PC Sections 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808 and 2811 proposes to adopt Chapter 1, Article 1, Sections 8000, 8001 and 8002 of the California Code of Regulations (CCR), Title 15, Division 8 concerning CALPIA rules and regulations and the scope of authority of CALPIA and PIB.

PUBLIC HEARING:

Date and Time: August 28, 2009 — 10:00 a.m. to 11:30 a.m.
Place: CALPIA Showroom and Conference Center
1901 Broadway
Sacramento CA, 95818
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, August 28, 2009 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; by fax at (916) 358-1610; or by e-mail at PIAregs@pia.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

**Ann Cunningham
Regulation and Policy Manager
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Lynn Braydis
Legal Secretary
California Prison Industry Authority
Telephone (916) 358-1711**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: *None*

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The CALPIA under the authority of the PIB has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CALPIA under the authority of the PIB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CALPIA under the authority of the PIB has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The CALPIA under the authority of the PIB has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The CALPIA under the authority of the PIB has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The CALPIA under the authority of the PIB must determine that no reasonable alternative considered by the CALPIA, or that has otherwise been identified and brought to the attention of the CALPIA, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CALPIA under the authority of the PIB has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website <http://www.pia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may adopt the proposed regulations substantially as described in this Notice. If the CALPIA under the authority of the PIB makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CALPIA under the authority of the PIB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Pursuant to Government Code (GC) Sections 12838 and 12838.6, and Penal Code (PC) Section 2800 et seq., the CALPIA is within the California Department of Corrections and Rehabilitation; however, the CALPIA continues in existence and retains existing functions, powers, responsibilities, and jurisdiction, except as expressly provided otherwise in statute.

PC Section 2801 authorizes the CALPIA to develop and operate industrial, and service enterprises; to create and maintain working conditions within the enterprises as much like those which prevail in private industry, to assure prisoners employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills; and to operate a work program for prisoners which is self-supporting by generated sufficient funds from the sale of products and services.

PC Section 2808 authorizes the PIB's continued existence, therein maintaining the ability to exercise its duties, and have all of the powers and do all of the things that the board of directors of a private corporation would do, except as specifically limited in this section, specifically (a) through (k).

The CALPIA and the PIB have implied rulemaking authority to adopt regulations to implement, interpret or make specific the laws enforced or administered by CALPIA, or to govern its procedures.

This action proposes the adoption of text as follows:

- The definition section is established for clarity, consistency and ease of reference for commonly used terms within Division 8 of the Title 15.
- The adoption of the initial chapter of the new Division 8, Chapter 1 Rules and Regulations of the California Prison Industry Authority, specifically sections 8001 and 8002 makes specific PC 2800, et seq. and establishes the scope of authority of the CALPIA and the PIB in order to interpret and make specific their policies and procedures that apply to CALPIA and have been approved by the PIB.
- This action will ensure these provisions provide the CALPIA and the PIB with the authority and direction to carry out their purpose as specified in PC Section 2800, et seq.
- These regulations further provide a clear reference by staff, inmates, and the public in general specific to the operation of CALPIA enterprises.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

**NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
CALIFORNIA CODE OF REGULATIONS,
TITLE 25, DIVISION 1,
CHAPTER 3, SUBCHAPTER 2**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to adopt new regulations administered by its Manufactured Housing Program.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC) Sections 18000, 18015 and 18031 grant HCD the authority to adopt regulations pertaining to the manufacture and sale or use of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars within the State of California. Legislation (Chapter 737, Statutes of 2008), effective January 1, 2009, amended HSC Section 18031.7 requiring HCD to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring or strapping. These regulations implement, interpret and make specific HSC Section 18031.7.

INFORMATIVE DIGEST

Summary of Existing Laws

The Manufactured Housing Act of 1980, commencing with HSC Section 18000, governs the construction, registration and titling and occupational licensing of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars for sale or use within the State of California.

The HSC, Division 13, Part 3, Chapter 2, Sections 19210 through 19217, contains requirements for new and used site-build residential structures for the seismic bracing of water heaters.

Summary of Existing Regulations

The Manufactured Housing Program regulation requirements for the construction, alteration, conversion, sale, rent or lease of manufactured homes, multifamily

manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars are found in California Code of Regulations (CCR), Title 25, Division 1, Chapter 3, Subchapter 2.

Summary of Effect of Proposed Regulatory Action

The proposed action will establish requirements and standards for the seismic bracing, anchoring or strapping of storage-type fuel-gas-burning water heater appliances in new, used and existing manufactured homes, multifamily manufactured homes and mobilehomes sold, resold, leased, rented or installed in California. The proposed regulations will eliminate or minimize the threat of fire or explosion to the people of California from gas-fueled water heater appliances, which may overturn or experience damage to the gas or oil supply piping during an earthquake.

Additionally, the sections of CCR, Title 25, affected by this rulemaking (See “Summary of Sections Affected”), and the specific purpose for each requirement of the proposed regulations are described in the *Initial Statement of Reasons*.

Summary of Sections Affected

The specific sections of CCR, Title 25, Division 1, Chapter 3, Subchapter 2, to be added by this proposed adoption are a new Article 2.1 and new Sections 4100, 4102 and 4104.

Comparable Federal Statutes or Regulations

NONE

Policy Statement Overview

The Manufactured Housing Program within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, alteration, conversion, sale, rent or lease of manufactured homes, mobilehomes, multifamily manufactured homes within California. The mission of HCD includes promoting both safety and affordability of housing and related structures in California.

HCD is proposing to adopt permanent regulations related to the Manufactured Housing Act of 1980, Sections 18000 through 18153, and specifically Section 18031.7.

DISCLOSURES REGARDING THE PROPOSED ACTION

HCD has made the following initial determinations:

- Mandate on local agencies and school districts: NONE.
- Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Costs or savings to any state agency: NONE.

- Other non-discretionary costs or savings imposed upon local agencies: NONE.
- Costs or savings in federal funding to the state: NONE.
- Significant effect on housing costs: NONE.

BUSINESS IMPACT STATEMENT

HCD has made an initial determination that the proposed adoptions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. However, there exists the need to adopt these regulations to alleviate a potential adverse economic impact on business, should businesses manufacture structures for use in California without a consistent set of requirements applicable statewide. In addition, the proposed regulations protect California businesses against unfair competition from out-of-state manufacturers by requiring the seismic protection for new homes at or before the time of actual installation rather than at the time of sale, which may occur out-of-state.

SMALL BUSINESS IMPACT STATEMENT

Small businesses will be affected by these regulations (See “Cost Impact on Representative Private Person or Business”).

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON(S) OR BUSINESS(ES)

There will be minimal cost impact to homeowners, dealers and manufacturers of new or used manufactured homes, multifamily manufactured homes and mobilehomes in the form of cost associated with generic materials necessary to comply with the seismic securement of water heaters. Pre-manufactured water heater seismic strapping kits are readily available for purchase at most hardware stores for approximately \$15.00 each, plus labor.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not affect the creation or the elimination of existing business within the State of California.

- **The expansion of businesses currently doing business within the State of California.**

These regulations will not affect the expansion of businesses currently doing business within the State of California.

CONSIDERATION OF ALTERNATIVES

Throughout the development of this proposed rule-making, HCD must determine that no alternative will be more effective in carrying out the purpose for which the action is proposed or that no alternative will be as effective as and less burdensome to affected private persons than the proposed action.

During the development of this rulemaking, the following alternatives were determined not to be acceptable and were rejected:

- **New Performance-Based Requirements**
New performance-based requirements for seismic water heater securement, while worthy of consideration, were found not to be acceptable. The requirements may not be equivalent to prescriptive requirements provided in CCR, Title 24, Part 5, California Plumbing Code, causing resistance from contractors, home inspection services and local fire officials, and, as such, do not meet the objective of providing uniform standards for both site-built and manufactured homes, mobilehomes and multifamily manufactured homes. Generally, performance-based regulations require design by a professional engineer and may be unnecessarily more expensive for businesses and consumers.
- **Not Establishing Preemptive Statewide Standards**
Not establishing preemptive statewide standards would not meet HCD's mission of promoting both safe and affordable housing, and would not comply with the statutory mandate.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received at this office **no later than 5:00 p.m. on August 24, 2009** in order to be considered.

Written comments may be submitted by regular mail, electronic mail (e-mail), facsimile transmission or hand-delivery as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and
Standards
P.O. Box 31
Sacramento, CA
95812-0031
ATTN: Keisha Wickham

By e-mail to: kwickham@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Keisha Wickham

By hand-delivery to: HCD — Headquarters
1800 3rd Street, Room 260
Sacramento, CA 95811
ATTN: Keisha Wickham or
Richard Weinert

AVAILABILITY OF DOCUMENTS AND CONTACTS

HCD has prepared an *Initial Statement of Reasons* for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the rulemaking file, including the exact language of the proposed regulations, *Initial Statement of Reasons*, the *Final Statement of Reasons* (when available) and other information, if any, may be obtained upon request from HCD at the following location, mailing address or from the contact person listed below:

| | |
|--|---|
| Department of Housing and Community Development Division of Codes and Standards 1800 3 rd Street, Room 260 Sacramento, California 95811 | P.O. Box 31 Sacramento, California 95812-0031 |
|--|---|

In addition, this Notice, the exact language of the proposed regulations and the *Initial Statement of Reasons* may be found on HCD's website at <http://www.hcd.ca.gov/codes/mhp/>.

Questions regarding the substance of this regulatory proposal or the regulatory process may be directed to:

Mr. Richard Weinert, Manufactured Housing
Programs Manager
Telephone: (916) 327-2838, Fax: (916) 327-4712
E-mail: rweinert@hcd.ca.gov

PUBLIC HEARING

HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION. However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day public comment period, HCD may adopt substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. The text of any modified proposal, with the exception of minor technical or grammatical changes, will be made available from the contact person(s) designated in this Notice. The modified text will be available for at least a 15-day comment period and mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF CONTINUATION

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED AB 32 COST OF IMPLEMENTATION FEE REGULATION AND PROPOSED AMENDMENT TO THE EXISTING REGULATION FOR THE MANDATORY REPORTING OF GHG EMISSIONS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the adoption of a new regulation to impose fees on sources of greenhouse gas (GHG) emissions to carry out Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, and to consider

the adoption of an amendment to the existing Regulation for the Mandatory Reporting of GHG Emissions.

DATE: July 23, 2009

TIME: 9:00 a.m.

PLACE: County Administration Center
1600 Pacific Highway
Board Chambers, Room 310
San Diego, California 92101

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 23, 2009, and may continue at 8:30 a.m., July 24, 2009. This item may not be considered until July 24, 2009. Please consult the agenda for the meeting, which will be available at least 10 days before July 23, 2009, to determine the day on which this item will be considered.

If you require special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by fax at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

THE CONTINUED HEARING

The continued hearing will be conducted as described in the original notice, except that written submissions must be addressed to and received by the Clerk of the Board as described below. All comments submitted for the June 25, 2009, hearing will remain part of the rule-making record. At the continued hearing, the Board will again take testimony from the public.

The original notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/2009/feereg09/feereg09.htm> and are available as described in the original notice.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting and may be submitted by postal mail or by electronic submittal before the meeting. To be considered by the Board, written comments, not physically submitted at the meeting, must be received **no later than 12:00 noon, July 22, 2009**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento,
California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Jon Costantino, Manager of the Climate Change Planning Section, at (916) 324-0931, or Ms. Jeannie Blakeslee, Air Pollution Specialist, at (916) 445-8286.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

30-Day Public Notice and Comment Period Unified Program Surcharge Fee Change

NOTICE IS HEREBY GIVEN that the California Secretary for Environmental Protection proposes to adjust the State Surcharge according to the California Health and Safety Code (HSC), Division 20, Chapter 6.11, Section 25404.5(b), and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The State Surcharge is an assessment on each entity regulated under the Unified Program. The State Surcharge is used to fund the necessary and reasonable costs of all State Agencies responsible for program implementation, ongoing maintenance, and oversight of the Unified Program. Assembly Bill 2286 (Chapter 571 Statutes of 2008) provides for an increase in the Hazmat portion of the State Surcharge up to \$49.00 per year for three years to fund the implementation of mandatory business and Unified Program Agency electronic reporting no later than January 1, 2013. There is no change in the Underground Storage Tank or California Accidental Release Prevention Program portions of the State Surcharge.

The State Surcharge was publicly noticed in the California Regulatory Notice Register (Z-Register) for a 30 day comment period beginning May 15, 2009. No com-

ments were received during the 30 day comment period. Cal/EPA has amended the state surcharge to those shown below. Certified Unified Program Agencies will be responsible for collecting the new Surcharge as part of their Single Fee System effective July 1, 2009.

STATE SURCHARGE

For fiscal years 2009/2010 through 2011/2012, the State Surcharge is set as follows:

| | |
|--|----------|
| Hazmat | \$49.00 |
| Underground Storage Tank | \$15.00 |
| California Accidental Release Prevention Program | \$270.00 |

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Office of Environmental Health Hazard Assessment Notice to Interested Parties

July 10, 2009

ANNOUNCEMENT OF PUBLICATION OF THE FINAL PUBLIC HEALTH GOAL FOR TRICHLOROETHYLENE IN DRINKING WATER

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the final technical support document for the Public Health Goal (PHG) for the solvent trichloroethylene in drinking water. This document increases the PHG for trichloroethylene to 1.7 parts per billion, versus 0.8 ppb in the original PHG published in 1999. The PHG is based on the same cancer endpoint with an updated potency calculation. The first draft of the revised document was posted on the OEHHA Web site (www.oehha.ca.gov) on July 24, 2008 and a one-day public workshop was held on September 11, 2008 to discuss it. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003(a) and 116365, for conducting the workshop and obtaining public input. A second draft of the PHG document was posted on the OEHHA Web site on February 6, 2009 for a 30-day public review and scientific comment period. OEHHA has now finalized the document after considering all comments received and making changes as needed. The final PHG

document and responses to major comments are posted on the OEHHA Web site (www.oehha.ca.gov/water/phg/index.html).

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3200 or the address below.

Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attn: PHG project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication July 10, 2009
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Planning Area 39 Project
Orange County
2080-2009-008-05

The Department of Fish and Game (Department) received a notice on June 24, 2009 that The Irvine Company proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project includes the construction of up to 3,700 homes and associated roads, facilities, and landscaping on 252 acres in the City of Irvine in Orange County, CA (Project). Project activities will result in permanent impacts to 1.71 acres and in temporary impacts to 0.33 acres of habitat suitable for the least Bell's vireo (*Vireo bellii pusillus*).

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (FWS-OR-07B0079-08F0333)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on June 9, 2009, which considered the effects of the project on the federally and state endangered least Bell's vireo. Pursuant to California Fish and Game Code Section 2080.1, The Irvine Company is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, The Irvine Company will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

¹ Codified at Health and Safety Code, section 116270 et. seq.

² Health and Safety Code section 116365(c)

³ Health and Safety Code section 116365(a) and (b)

QUARTERLY INDEX OF REGULATORY ACTIONS

Quarterly Index of Regulatory Actions April 1, 2009 — June 30, 2009

This Quarterly Index lists regulatory actions during the period indicated, sorted alphabetically by agency. The file types are: C = Certificate of Compliance, E = Emergency, EON = Emergency by Operational Necessity, F = Filed with SOS Only, FP = Filed and Printed Only, N = Non-regulatory, P = Print Only, R = Resubmittal, S = Regular Submittal.

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|---|--------------|-----------|--|--------------|
| Air Resources Board | 2009-0223-05 | S | AB 118 Air Quality Guidelines | WITHDRAWN |
| Air Resources Board | 2009-0416-02 | S | Fuel Requirements for Ocean-going Vessels | APPROVAL |
| Air Resources Board | 2009-0518-02 | N | Verification Procedure, Warranty and In-Use Compliance | APPROVAL |
| Air Resources Board | 2009-0521-03 | SR | AB 118 Air Quality Guidelines — Air Quality Improvement Program and Alternative, Renewable Fuel and Vehicle Technology Program | APPROVAL |
| Air Resources Board | 2009-0506-02 | S | Consumer Products Regulations | APPROVAL |
| Athletic Commission | 2009-0409-02 | S | Professional Boxer's Pension Plan | APPROVAL |
| Athletic Commission | 2009-0223-01 | S | Arbitration; Boxer's Condition; Use of Drugs; Alt. Rings; Bandages; Appeals | APPROVAL |
| Board for Professional Engineers and Land Surveyors | 2009-0526-04 | N | Code of Professional Conduct | WITHDRAWN |
| Board for Professional Engineers and Land Surveyors | 2009-0526-03 | N | Qualifying Experience for "Soil Engineer." | APPROVAL |
| Board of Behavioral Sciences | 2009-0422-02 | S | Disciplinary Guidelines | APPROVAL |
| Board of Behavioral Sciences | 2009-0409-01 | S | Fingerprint Submission | APPROVAL |
| Board of Education | 2009-0515-01 | N | Instructional Materials | APPROVAL |
| Board of Equalization | 2009-0423-01 | N | Non-Substance change relating to AB3 | APPROVAL |
| Board of Equalization | 2009-0319-01 | S | Medicines and Medical Devices | APPROVAL |
| Board of Equalization | 2009-0403-04 | S | Computers, Programs, and Data Processing | APPROVAL |
| Board of Optometry | 2009-0417-01 | SR | Optometry Fee Increase | APPROVAL |
| Board of Pharmacy | 2009-0316-02 | S | Disciplinary Guidelines | APPROVAL |
| Board of Registered Nursing | 2009-0429-02 | C | Fingerprinting & other license renewal requirements | APPROVAL |
| Business, Transportation and Housing Agency | 2009-0612-01 | E | Public Infrastructure Advisory Commission (PIAC) | APPROVAL |
| California Apprenticeship Council | 2009-0604-01 | SR | Employment of Apprentices on Public Works | APPROVAL |

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|--|--------------|-----------|--|--------------|
| California Architects Board | 2009-0514-02 | S | Examinations and Licensure | APPROVAL |
| California Cultural and Historical Endowment | 2009-0414-04 | P | Conflict of Interest Code | APPROVAL |
| California Energy Commission | 2009-0304-03 | S | California Home Energy Rating System Program | WITHDRAWN |
| California Energy Commission | 2009-0312-01 | S | Alternative & Renewable Fuel & Vehicle Technology Program | APPROVAL |
| California Film Commission | 2009-0521-04 | E | California Film and Television Tax Credit Program | APPROVAL |
| California Gambling Control Commission | 2009-0619-02 | EE | Interim Approval of Bingo Card-Minding Devices | APPROVAL |
| California Gambling Control Commission | 2009-0414-01 | E | Interim Approval of Bingo Card-Minding Devices | APPROVAL |
| California Gambling Control Commission | 2009-0508-03 | E | Assistance to Bingo Players with Disabilities | APPROVAL |
| California Gambling Control Commission | 2009-0402-01 | S | Designation Pursuant to Business & Professions Code Section 19981, Subdivision (a) | APPROVAL |
| California Gambling Control Commission | 2009-0414-02 | E | Remote Caller Bingo Licensing; Recognition of Organizations | APPROVAL |
| California Gambling Control Commission | 2009-0508-02 | E | Remote Caller Bingo Definitions; Equipment Approval; Standards; Audits | APPROVAL |
| California Health Facilities Financing Authority | 2009-0428-01 | S | Children's Hospital Program of 2008 | WITHDRAWN |
| California Health Facilities Financing Authority | 2009-0430-01 | S | Children's Hospital Program of 2004 | WITHDRAWN |
| California Highway Patrol | 2009-0518-01 | S | CVSA North American Standard Out-of Service Criteria | APPROVAL |
| California Pollution Control Financing Authority | 2009-0529-01 | C | California Capital Access Program for Small Business | APPROVAL |
| Commission on Peace Officer Standards and Training | 2009-0218-01 | S | Public Safety Dispatcher Selection Requirements | APPROVAL |
| Commission on Peace Officer Standards and Training | 2009-0218-02 | S | Peace Officer Selection Requirements | APPROVAL |
| Commission on Peace Officer Standards and Training | 2009-0427-02 | S | Special Weapons and Tactics (SWAT) | WITHDRAWN |
| Commission on Peace Officer Standards and Training | 2009-0416-01 | S | Training & Testing Specifications for Peace Officer Basic Courses | APPROVAL |
| Commission on Teacher Credentialing | 2009-0330-01 | N | Teacher Credentialing | APPROVAL |

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|--|-----------------|------------------|---|---------------------|
| Corrections Standards Authority | 2009-0316-01 | S | Minimum Standards for Local Detention Facilities | APPROVAL |
| Department of Alcohol and Drug Programs | 2009-0618-02 | E | Licensure and Certification Fees | APPROVAL |
| Department of Alcoholic Beverage Control | 2009-0429-01 | S | Amend Section 106, Title 4 | APPROVAL |
| Department of Conservation | 2009-0225-01 | S | Beverage Manufacturer and Distributor Regulations | APPROVAL |
| Department of Consumer Affairs | 2009-0319-03 | P | Conflict of Interest Regulations | APPROVAL |
| Department of Corporations | 2009-0521-05 | E | California Foreclosure Prevention Act | APPROVAL |
| Department of Corrections and Rehabilitation | 2009-0401-02 | C | Inmate Transfers | APPROVAL |
| Department of Corrections and Rehabilitation | 2009-0223-04 | C | Behavior Management Unit | APPROVAL |
| Department of Corrections and Rehabilitation | 2009-0522-05 | C | Inmate Trust Account Interest | APPROVAL |
| Department of Corrections and Rehabilitation | 2009-0401-01 | N | Administrative Segregation | APPROVAL |
| Department of Corrections and Rehabilitation | 2009-0508-01 | S | Adult Parole | APPROVAL |
| Department of Financial Institutions | 2009-0522-04 | E | California Foreclosure Prevention Act | APPROVAL |
| Department of Fish and Game | 2009-0504-01 | S | Collection of CEQA Filing Fees and No Effect Determinations | APPROVAL |
| Department of Food and Agriculture | 2009-0608-02 | E | Light Brown Apple Moth Interior Quarantine | APPROVAL |
| Department of Food and Agriculture | 2009-0420-01 | E | Light Brown Apple Moth Interior Quarantine | APPROVAL |
| Department of Food and Agriculture | 2009-0617-05 | E | Light Brown Apple Moth Eradication Area | APPROVAL |
| Department of Food and Agriculture | 2009-0415-01 | C | Light Brown Apple Moth Interior Quarantine | APPROVAL |
| Department of Food and Agriculture | 2009-0617-04 | E | Light Brown Apple Moth Interior Quarantine | APPROVAL |
| Department of Food and Agriculture | 2009-0514-03 | C | Mediterranean Fruit Fly Interior Quarantine | APPROVAL |
| Department of Food and Agriculture | 2009-0520-01 | E | Light Brown Apple Moth | APPROVAL |
| Department of Food and Agriculture | 2009-0320-03 | C | Light Brown Apple Moth | WITHDRAWN |
| Department of Food and Agriculture | 2009-0302-01 | S | Trade Secrets | WITHDRAWN |
| Department of Food and Agriculture | 2009-0624-02 | E | Light Brown Apple Moth Interior Quarantine | APPROVAL |

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|---|--------------|-----------|--|-----------------|
| Department of Food and Agriculture | 2009-0528-02 | E | Mediterranean Fruit Fly Interior Quarantine | APPROVAL |
| Department of Food and Agriculture | 2009-0501-01 | EE | Light Brown Apple Moth | APPROVAL |
| Department of Food and Agriculture | 2009-0515-02 | E | Light Brown Apple Moth | APPROVAL |
| Department of Food and Agriculture | 2009-0407-01 | E | Light Brown Apple Moth Eradication Area | APPROVAL |
| Department of Food and Agriculture | 2009-0421-04 | C | Gypsy Moth Interior Quarantine | APPROVAL |
| Department of Health Care Services | 2009-0402-04 | S | Out-of-State Hospital Inpatient Services Reimbursement | APPROVAL |
| Department of Housing and Community Development | 2009-0417-04 | S | Federal HOME Investment Partnership Program | APPROVAL |
| Department of Housing and Community Development | 2009-0515-03 | EE | Re-adoption of Ignition Resistance construction System within Wildfire Urban Interface | APPROVAL |
| Department of Housing and Community Development | 2009-0403-01 | P | Income Limits | PRINT_ONLY |
| Department of Insurance | 2009-0521-09 | N | Amend Section 41 Application Requirements | APPROVAL |
| Department of Insurance | 2009-0521-07 | N | Amend the Introduction Availability of Forms Manuals Hard Copies | APPROVAL |
| Department of Insurance | 2009-0521-08 | N | Amend Application Requirements | PART_APPR/WITH |
| Department of Insurance | 2009-0521-10 | N | Amend Performance Standards for Insurers Writing California Automobile Assigned Risk Plan PPA and Commercial Risks | APPROVAL |
| Department of Insurance | 2009-0521-06 | N | Amend Rule 124 Employers Non ownership Liability | WITHDRAWN |
| Department of Justice | 2009-0318-01 | P | Contractors State License Board Bond Form | FILE_PRINT_ONLY |
| Department of Motor Vehicles | 2009-0410-02 | SR | Business Partner Automation Program | APPROVAL |
| Department of Parks and Recreation | 2009-0514-01 | S | Wilderness Regulations re: Minimum Requirements / Minimum Tools | APPROVAL |
| Department of Pesticide Regulation | 2009-0323-02 | S | Field Fumigant Emission Limits | APPROVAL |
| Department of Pesticide Regulation | 2009-0402-06 | S | Groundwater Protection List | APPROVAL |
| Department of Public Health | 2009-0326-01 | SR | Transportation of Radioactive Material | APPROVAL |
| Department of Real Estate | 2009-0415-02 | S | Fee Regulations | APPROVAL |
| Department of Real Estate | 2009-0522-01 | E | California Foreclosure Prevention Act | APPROVAL |

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|-------------------------------------|-----------------|------------------|---|---------------------|
| Department of Rehabilitation | 2009-0612-02 | SR | Business Enterprises Program for the Blind | APPROVAL |
| Department of Rehabilitation | 2009-0227-01 | S | Business Enterprises Program for the Blind | DISAPPROVAL |
| Department of Social Services | 2009-0619-07 | E | Title IV-E Foster Care Overpayment Regulations | APPROVAL |
| Department of Transportation | 2009-0402-03 | S | Grade Separation Section 190 Funding | APPROVAL |
| Department of Transportation | 2009-0323-01 | S | Broadband Facility Installation — Encroachment Permits | DISAPPROVAL |
| Department of Water Resources | 2009-0417-02 | S | Financial Assistance for Flood Management Projects | DISAPPROVAL |
| Division of Workers Compensation | 2009-0309-01 | S | Audit Regulation | APPROVAL |
| Division of Workers Compensation | 2009-0506-01 | S | Medical Treatment Utilization Schedule | APPROVAL |
| Education Audit Appeals Panel | 2009-0617-03 | E | Audits of K-12 LEAs — FY 2009-10 | APPROVAL |
| Employment Development Department | 2009-0505-01 | S | Taxable Value of Meals and Lodging | APPROVAL |
| Employment Development Department | 2009-0427-01 | S | Disability Insurance Definitions | APPROVAL |
| Fair Political Practices Commission | 2009-0421-02 | FPPC | Materiality Standard: Interests in Businesses | APPROVAL |
| Fair Political Practices Commission | 2009-0421-01 | FPPC | Filing Requirements for Statements of Organization | FILE_PRINT_ONLY |
| Fair Political Practices Commission | 2009-0526-01 | FPPC | Candidates with Multiple Controlled Committees | APPROVAL |
| Fair Political Practices Commission | 2009-0526-02 | FPPC | Revolving Door | FILE_PRINT_ONLY |
| Fish and Game Commission | 2009-0423-03 | S | Silver King Creek Sport Fishing | APPROVAL |
| Fish and Game Commission | 2009-0501-02 | S | Central Valley Salmon Sport Fishing | APPROVAL |
| Fish and Game Commission | 2009-0417-03 | E | Incidental Take of Pacific Fisher During Candidacy | APPROVAL |
| Fish and Game Commission | 2009-0507-02 | S | Ocean Salmon Sport Fishing | APPROVAL |
| Fish and Game Commission | 2009-0507-01 | S | Mammal Hunting — 2009-2010 | APPROVAL |
| Fish and Game Commission | 2009-0323-03 | S | Delist California Brown Pelican from the list of Endangered Species | APPROVAL |
| Fish and Game Commission | 2009-0505-02 | S | Klamath/Trinity Rivers Sport Fishing | APPROVAL |
| Franchise Tax Board | 2009-0223-03 | S | Water's-Edge Election | APPROVAL |

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|--|--------------|-----------|---|-----------------|
| Franchise Tax Board | 2009-0410-01 | S | Presumptions Arising from Federal Audits | APPROVAL |
| Managed Risk Medical Insurance Board | 2009-0421-03 | E | Disenrollment AER Implementation | APPROVAL |
| Occupational Safety and Health Standards Board | 2009-0224-01 | P | High-Voltage Electrical Safety Orders | FILE_PRINT_ONLY |
| Occupational Safety and Health Standards Board | 2009-0324-03 | N | Replace Graphics | APPROVAL |
| Occupational Safety and Health Standards Board | 2009-0320-02 | S | Bakery Ovens — Inspections | APPROVAL |
| Occupational Safety and Health Standards Board | 2009-0218-03 | N | Snow Avalanche Blasting | WITHDRAWN |
| Occupational Safety and Health Standards Board | 2009-0319-02 | N | Recordkeeping | APPROVAL |
| Office of Environmental Health Hazard Assessment | 2009-0303-01 | S | Specific Regulatory Levels Posing No Significant Risk — NSRL for Ethylbenzene | APPROVAL |
| Office of Spill Prevention and Response | 2009-0403-03 | S | Administrative Compliance Actions | APPROVAL |
| Office of Spill Prevention and Response | 2009-0403-02 | S | Contingency Plans | APPROVAL |
| Physical Therapy Board of California | 2009-0309-03 | S | Disciplinary Guidelines | DISAPPROVAL |
| Public Utilities Commission | 2009-0422-03 | S | Rules of Practice and Procedure | APPROVAL |
| Public Utilities Commission | 2009-0511-01 | N | Rules of Practice and Procedure | PART_APPR/WITH |
| San Diego River Conservancy | 2009-0423-02 | P | Conflict of Interest Code | APPROVAL |
| Secretary of State | 2009-0403-05 | EE | Post Election Manual Tally Requirements in Close Contests | APPROVAL |
| Secretary of State | 2009-0402-02 | S | Business Entity Names | APPROVAL |
| State Allocation Board | 2009-0422-01 | E | Leroy F. Greene School Facilities Act of 1998; Career Tech & Joint-Use | APPROVAL |
| State Allocation Board | 2009-0330-02 | E | Leroy F. Greene School Facilities Act of 1998; Inactive Apports | APPROVAL |
| State Allocation Board | 2009-0414-03 | E | Leroy F. Greene School Facilities Act of 1998; Charter & COS Programs | APPROVAL |
| State Mining and Geology Board | 2009-0513-01 | S | Vested Rights Determination Hearing Procedures | APPROVAL |
| State Personnel Board | 2009-0519-01 | FP | Appointments: Skills-Based Certification | APPROVAL |
| State Teachers Retirement System | 2009-0420-02 | FP | Board Member Elections | FILE_PRINT_ONLY |

| AGENCY | FILE NO. | FILE TYPE | SUBJECT | OAL DECISION |
|---|--------------|-----------|---|-----------------|
| State Teachers Retirement System | 2009-0320-01 | FP | Supplemental Benefit Maintenance Account Purchasing Power | FILE_PRINT_ONLY |
| State Water Resources Control Board | 2009-0521-02 | E | Storage of Biodiesel Blends in Underground Storage Tanks | APPROVAL |
| State Water Resources Control Board | 2009-0402-05 | S | Water Recycling Policy | APPROVAL |
| State Water Resources Control Board | 2009-0513-02 | S | Indicator Bacteria Water Quality Objectives | APPROVAL |
| State Water Resources Control Board | 2009-0513-03 | S | Amendment to the Los Angeles Basin Plan | APPROVAL |
| Superintendent of Public Instruction | 2009-0327-01 | S | Special Education Hearing Officers | APPROVAL |
| Veterinary Medical Board | 2009-0508-04 | SR | RVT Eligibility Categories/Internship/Residency Program | APPROVAL |
| Victim Compensation and Government Claims Board | 2009-0430-02 | S | Victim Compensation Program Regulations | APPROVAL |

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0518-02

AIR RESOURCES BOARD

Verification Procedure, Warranty and In-Use Compliance

The Air Resources Board (Board) made changes without regulatory effect for processing under section 100 to amend Title 13, sections 2702 and 2704. Specifically the Board corrects text that was not correctly numbered in section 2704 in a previous amendment and corrects citations to section 2704 found in section 2702 to be consistent with those changes. These changes do not have a regulatory effect and do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

Title 13

California Code of Regulations

AMEND: 2702, 2704

Filed 06/29/2009

Agency Contact: Trini Balcazar (916) 445-9564

File# 2009-0526-03

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Qualifying Experience for "Soil Engineer."

This change without regulatory effect corrects a typographical error and deletes an extraneous reference section.

Title 16

California Code of Regulations

AMEND: 426.51

Filed 06/26/2009

Agency Contact:

Nancy A. Eissler (916) 263-2241

File# 2009-0514-02

CALIFORNIA ARCHITECTS BOARD

Examinations and Licensure

The California Architects Board adopts changes to ten regulations to clarify existing rules regarding examinations; adding timeframes for abandonment of applications; and delegating the administration of the remaining portions of the LARE (Landscape Architect Registration Examination) to CLARB (Council of Landscape Architectural Registration Boards).

Title 16

California Code of Regulations

ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616,
2621, 2649 REPEAL: 2612, 2613, 2623

Filed 06/26/2009

Effective 10/01/2009

Agency Contact: Ethan Mathes (916) 575-7233

File# 2009-0619-02

**CALIFORNIA GAMBLING CONTROL
COMMISSION****Interim Approval of Bingo Card-Minding Devices**

This regulatory action readopts an emergency regulatory action effective January 1, 2009 which established the procedure for interim approval of bingo card-minding devices. This regulatory action also readopts a later amendment to the same section by an emergency regulatory action operative on April 24, 2009 and another later amendment to the same section in a much larger emergency regulatory action operative on May 18, 2009. The readoption of these emergency regulatory actions is deemed an emergency by the Legislature pursuant to Section 19850.6 of the Business and Professions Code.

Title 4

California Code of Regulations

ADOPT: 12486

Filed 06/25/2009

Effective 06/25/2009

Agency Contact: James Allen (916) 263-4024

File# 2009-0618-02

**DEPARTMENT OF ALCOHOL AND DRUG
PROGRAMS****Licensure and Certification Fees**

This emergency action repeals the current fees for licensing of alcoholism and drug abuse recovery or treatment programs and replaces them with a new and more broadly applicable schedule of higher fees for licensing and certification of outpatient and residential alcoholism and drug abuse recovery or treatment programs.

Title 9

California Code of Regulations

ADOPT: 10700, 10701 AMEND: 10518, 10529
REPEAL: 10532, 10533

Filed 06/29/2009

Effective 06/29/2009

Agency Contact: Mary Conway (916) 327-4742

File# 2009-0624-02

DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This factual emergency action expands the existing contiguous Light Brown Apple Moth (LBAM) regulated quarantine area in Alameda, Marin, Monterey, San Mateo, Santa Clara, and Santa Cruz counties by approximately 165 square miles. It expands the contiguous regulated quarantine area of Napa, Solano, and Sonoma counties by approximately 30 miles. It expands the regulated quarantine area located in the Petaluma area of Sonoma County by approximately 17 square miles. The quarantine expansion results in a total of approximately 3,329 square miles under LBAM quarantine in the state.

Title 3

California Code of Regulations

AMEND: 3434(b)

Filed 06/30/2009

Effective 06/30/2009

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2009-0521-09

DEPARTMENT OF INSURANCE**Amend Section 41 Application Requirements**

This change without regulatory effect amends sections 41 of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. A countrywide Electronic Application Submission Interface ("EASi") was introduced for CAARP. The term "employers nonownership" is being changed to "nonowned auto liability" to reflect a change that was made on the commercial EASi form at the request of another state.

Title 10

California Code of Regulations

AMEND: 2498.4.9

Filed 06/24/2009

Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0521-10

DEPARTMENT OF INSURANCE**Amend Performance Standards for Insurers Writing
California Automobile Assigned Risk Plan PPA and
Commercial Risks**

This change without regulatory effect amends sections 37 and 54 of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. These changes to section 37 and 54 are pursuant to AB 2688, CH 42 2008 that allows an insurer in the CAARP Plan to obtain

a Motor Vehicle Report from the DMV as well as from a subscribing loss underwriting exchange carrier.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 06/24/2009
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0521-07
DEPARTMENT OF INSURANCE
Amend the Introduction Availability of Forms Manuals
Hard Copies

This change without regulatory effect amends the Introduction of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. These changes to the introduction include changing "Applications" to "Application Forms — Private Passenger and Commercial." It also adds the information that the hard copy and online form are the same.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 06/24/2009
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0521-08
DEPARTMENT OF INSURANCE
Amend Application Requirements

This change without regulatory effect amends sections 23 and 41 of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. A countrywide Electronic Application Submission Interface ("EASi") was introduced for CAARP. DOI adopted the format of the EASi applications. However, DOI neglected to update the Plan of Operations to correspond to the applications. These changes delete references to items no longer requested on the application and add items that are now being requested on the applications.

Note: The Department of Insurance withdrew some of the proposed changes to sections 23 and 41 of the "California Automobile Assigned Risk Plan Plan of Operations" (incorporated by reference) from OAL's review.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 06/24/2009
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0612-02
DEPARTMENT OF REHABILITATION
Business Enterprises Program for the Blind

This regulatory action is the resubmittal of a previously disapproved regulatory action which would repeal existing regulations concerning Business Enterprises for the Blind and adopt new regulations including general provisions, definitions (including "adequate net income"), eligibility requirements, applicant assessment, interview, referral, vendor training program, vendor-trainers, client-trainee responsibilities, in-service and upward mobility training.

Title 9
California Code of Regulations
ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND:
7210, 7211, 7212
Filed 06/26/2009
Agency Contact: Lisa Neigel (916) 558-5830

File# 2009-0619-07
DEPARTMENT OF SOCIAL SERVICES
Title IV-E Foster Care Overpayment Regulations

Senate Bill 84, CH 177 of 2007, enacted legislation directing CDSS to adopt regulations to require counties to remit payment of the federal share for overpayments of Title IV-E foster care and adoption assistance overpayments. CDSS in this deemed emergency action is modifying the CDSS Manual of Policies and Procedures (MPP) to implement new regulations to reduce overpayments by placing the burden on counties to implement best practices and develop local oversight functions to reduce the occurrence of overpayments through county errors. These MPP regulations implement processes, procedures to identify, track, report, collect and remit the federal share of Title IV-4 Foster care and adoption assistance overpayments.

Title MPP
California Code of Regulations
AMEND: 11-425, 22-001, 22-003, 22-009,
45-302, 45-303, 45-304, 45-305, 45-306
Filed 06/29/2009
Effective 07/01/2009
Agency Contact: Sandra Ortega (916) 657-2586

File# 2009-0617-03
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2009-10

The Education Audit Appeals Panel (EAAP) amends Title 5 of the California Code of Regulations regarding the audits of K-12 Local Education Agencies (LEAs). Specifically, this regulatory action updates the audit guide for California K-12 LEAs, as required by Education Code sections 14502.1 and 14503. The proposed amendments and additions for the 2009-2010 fiscal

year are derived from (1) content submitted to EAAP by the California State Controller as required by statute and (2) changes made by Senate Bill 4 (SBX3 4; Chapter 12, Statutes 2009) effective February 20, 2009. EAAP is required to adopt the audit guide by July 1 of each fiscal year to be audited.

Title 5

California Code of Regulations

ADOPT: 19821.5, 19825.1, 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846

Filed 06/29/2009

Effective 06/29/2009

Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2009-0513-02

STATE WATER RESOURCES CONTROL BOARD

Indicator Bacteria Water Quality Objectives

This action is the State Water Resources Control Board's approval of an amendment of the San Diego Basin Plan adopted by the San Diego Regional Water Quality Control Board on May 14, 2008 as Resolution No. R9-2008-0028 incorporating implementation provisions for indicator bacteria water quality objectives to account for loading from natural uncontrollable sources within the context of a Total Maximum Daily Load (TMDL).

Title 23

California Code of Regulations

ADOPT: 3989.8

Filed 06/25/2009

Effective 06/25/2009

Agency Contact: Nirmal Sandhar (916) 341-5571

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 28, 2009 TO
July 1, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

06/15/09 ADOPT: 18746.4 AMEND: 18741.1, 18746.1, 18746.3
06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23, 649.25, 649.29, 649.32, 649.33, 649.48

AMEND: 647.4, 649, 649.2, 649.4, 649.7, 649.8, 649.11, 649.12, 649.13, 649.15, 649.16, 649.22, 649.24, 649.26, 649.27, 649.28, 649.30, 649.31, 649.35, 649.36, 649.50, 649.51, 649.57, 649.58, 649.59, 649.62 REPEAL: 649.3, 649.6, 649.9, 649.10, 649.14, 649.23, 649.25

06/09/09 ADOPT: 18405

06/01/09 ADOPT: 250.1

05/21/09 AMEND: 18705.1

05/14/09 ADOPT: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007, 21008, 21009

05/08/09 ADOPT: 18410 AMEND: 18402

04/30/09 AMEND: 1859.129, 1859.197

04/28/09 AMEND: div. 8, ch. 111, section 59560

04/22/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197

03/05/09 AMEND: 18704

02/17/09 AMEND: 51.3

02/02/09 AMEND: 18402, 18450.3

01/30/09 ADOPT: 18427.5

01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401

Title 3

06/30/09 AMEND: 3434(b)

06/22/09 AMEND: 3434(b)

06/19/09 AMEND: 3591.20(a)

06/15/09 AMEND: 3406(b)

06/15/09 AMEND: 3434(b)

06/01/09 AMEND: 3406(b)

06/01/09 ADOPT: 3408

05/26/09 AMEND: 3434(b)

05/20/09 AMEND: 3434(b)

05/20/09 AMEND: 3434(b)

05/13/09 AMEND: 6800

05/04/09 AMEND: 3434(b)

04/27/09 AMEND: 3434(b)

04/20/09 AMEND: 6452.2

03/30/09 AMEND: 3434(b)

03/25/09 AMEND: 6860

03/23/09 AMEND: 3423(b)

03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11,

1245.12, 1245.13, 1245.14, 1245.15,
1245.16, 1246, 1247, 1248, 1249, 1250,
1251, 1252, 1253, 1254, 1255, 1256,
1257, 1258, 1259, 1260, 1260.1, 1261,
1262, 1263, 1264, 1265, 1266, 1267,
1268, 1269, 1270 REPEAL: 1203, 1210,
1211, 1212, 1213, 1214, 1215, 1216,
1217, 1218, 1219, 1220, 1221, 1224,
1225, 1226, 1227, 1228, 1229, 1230,
1231, 1237

03/18/09 AMEND: 3435(b)
03/10/09 AMEND: 3434
03/05/09 AMEND: 3591.20(a)
03/04/09 AMEND: 3435
02/27/09 AMEND: 3434(b)
02/26/09 AMEND: 850
02/19/09 AMEND: 3434(b)
02/13/09 AMEND: 3406(b)
02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)
02/05/09 AMEND: 3434(b)
02/02/09 AMEND: 3406(b)

Title 4

06/25/09 ADOPT: 12486
06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072,
8076, 8078
06/04/09 AMEND: 106
05/18/09 ADOPT: 12488, 12508, 12510, 12511,
12514 AMEND: 12480, 12486
05/18/09 ADOPT: 12482
05/12/09 AMEND: 406
05/12/09 ADOPT: 12591
04/24/09 ADOPT: 12480, 12492, 12494, 12496,
12498, 12499, 12501, 12502, 12504
AMEND: 12482
04/24/09 AMEND: 12482
03/23/09 AMEND: 10175, 10176, 10177, 10182,
10185, 10187, 10188, 10189, 10190
03/11/09 AMEND: 1865
03/10/09 ADOPT: 12388, 12410
03/05/09 ADOPT: 2066
03/05/09 ADOPT: 1504.5 AMEND: 1481, 1486
03/04/09 AMEND: 2073
02/23/09 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
8102.5, 8102.6, 8102.7, 8102.8, 8102.9,
8102.11, 8102.12, 8102.13, 8102.14,
8102.15 AMEND: 8090, 8091, 8092,
8093, 8094, 8095, 8096, 8097, 8098,
8099, 8100, 8101 REPEAL: 8102.10
02/13/09 ADOPT: 12362
02/11/09 ADOPT: 8078.1 AMEND: 8070, 8072,
8076, 8078

Title 5

06/29/09 ADOPT: 19821.5, 19825.1, 19828.4,
19837.3, 19839, 19845.2 AMEND:
19815, 19816, 19816.1, 19828.3,
19837.2, 19845.1, 19846
05/28/09 AMEND: 9521
05/11/09 AMEND: 80023, 80024.4, 80024.5,
80024.6, 80025.5, 80026, 80026.1,
80026.6, 80034.5 REPEAL: 80024.3,
80026.4, 80042, 80042.5, 80569
05/11/09 AMEND: 24002, 24003, 24005
05/07/09 ADOPT: 3090, 3090.1, 3091, 3092,
3093, 3094, 3095, 3096, 3096.1, 3096.2,
3097, 3098, 3098.1, 3098.2, 3099
04/30/09 ADOPT: 26000
03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062,
3063, 3064, 3065, 3066, 3067, 3068,
3069, 3070
03/05/09 AMEND: 80225
02/17/09 AMEND: 80413, 80487
02/04/09 ADOPT: 9800, 9810, 9820, 9830

Title 8

06/22/09 AMEND: 230.1
06/18/09 ADOPT: 9792.23.1, 9792.23.2,
9792.23.3, 9792.23.4, 9792.23.5,
9792.23.6, 9792.23.7, 9792.23.8,
9792.23.9, 9792.24, 9792.24.1,
9792.24.2, 9792.24.3, 9792.25, 9792.26
AMEND: 9792.20, 9792.21, 9792.22,
9792.23
05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098,
3101, 3107
05/01/09 AMEND: 4530
04/20/09 AMEND: 10100.2, 10101.1, 10103.2,
10104, 10105, 10106.1, 10106.5,
10107.1, 10108, 10109, 10111.1,
10111.2, 10112, 10113.4, 10113.5,
10114.2, 10115, 10115.1, 10115.2
04/06/09 ADOPT: 227, 314, 389 AMEND: 281,
303, 323, 368, 523
04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1,
2738, 2739.0, 2739.4, 2742.0, 2742.1,
2742.2, 2742.3, 2745.0, 2745.1, 2749.2,
2754.1, 2754.2, 2796, 2799.1, 2799.2,
2799.3, 2799.4, 2799.5, 2799.6, 2812.2,
2812.3, 2832, 2833.1, 2833.2, 2882.2,
2985.0, 2985.1, 2985.2, 2987.0, 2987.1,
2989.0, 2989.1 AMEND: 2700, 2706,
2707, 2710, 2712, 2714, 2715, 2725,
2735, 2739.1, 2743, 2745.2, 2749.1,
2753, 2790, 2791, 2792, 2795, 2797,

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|-----------------|--|--|-----------------|--|
| | 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742 | | 06/24/09 | AMEND: 2498.4.9 |
| 03/04/09 | AMEND: 3248 | | 06/24/09 | AMEND: 2498.4.9 |
| 03/02/09 | ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7 | | 06/01/09 | ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10 |
| | | | 06/01/09 | ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 |
| | | | 06/01/09 | ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10 |
| | | | 05/29/09 | ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507 |
| | | | 05/12/09 | AMEND: 2716.1, 2790.1.5, 2810.5 |
| | | | 05/01/09 | AMEND: 2699.6603 |
| | | | 03/27/09 | AMEND: 2498.6 (Exhibit C) |
| | | | 03/25/09 | AMEND: 2661.3, 2661.4, 2662.1 |
| | | | 03/23/09 | AMEND: 2498.6 |
| | | | 02/26/09 | AMEND: 2699.6805 |
| | | | 02/23/09 | AMEND: 2318.6, 2353.1 |
| | | | 02/23/09 | AMEND: 2498.6 |
| | | | 02/19/09 | AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119 |
| | | | 02/05/09 | ADOPT: 2308.1, 2308.2, 2308.3 |
| | | | Title 11 | |
| | | | 05/21/09 | AMEND: 1005, 1007, 1008 |
| | | | 04/17/09 | AMEND: 30.1 |
| | | | 04/01/09 | ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018 |
| | | | 04/01/09 | ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002 |
| | | | 03/30/09 | ADOPT: 30.15 |
| | | | 03/03/09 | AMEND: 9070, 9077 |
| | | | 02/18/09 | REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327 |
| | | | 02/03/09 | ADOPT: 64.7 |
| | | | 01/28/09 | AMEND: 51.19 |
| | | | Title 12 | |
| | | | 02/26/09 | ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809 |
| | | | Title 13 | |
| | | | 06/29/09 | AMEND: 2702, 2704 |
| | | | 06/16/09 | AMEND: 1239 |
| | | | 06/04/09 | ADOPT: 2340, 2341, 2342, 2343, 2344, 2345 |
| | | | 05/22/09 | ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72 |
| | | | 03/18/09 | ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2 |
| | | | 03/10/09 | ADOPT: 1160.6 AMEND: 1160.3, 1160.4 |
| | 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742 | | | |
| 03/04/09 | AMEND: 3248 | | | |
| 03/02/09 | ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7 | | | |
| 03/02/09 | AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600 | | | |
| 02/25/09 | REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22 | | | |
| 02/18/09 | AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354 | | | |
| 02/13/09 | AMEND: 3336, 3650, 3653 | | | |
| 02/09/09 | AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583 | | | |
| 01/29/09 | AMEND: 4994 | | | |
| 01/28/09 | AMEND: 4999 | | | |
| Title 9 | | | | |
| 06/29/09 | ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533 | | | |
| 06/26/09 | ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212 | | | |
| 02/06/09 | ADOPT: 4000, 4005 | | | |
| Title 10 | | | | |
| 06/24/09 | AMEND: 2498.4.9 | | | |

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|---------------------|--|--|
| 02/26/09 | ADOPT: 29.00 | 1059, 1063, 1066, 1082, 1101, 1105, |
| 02/05/09 | ADOPT: 20.05 AMEND: 20.04 | 1144, 1151, 1161, 1209, 1217, 1230, |
| 02/05/09 | AMEND: 25.08 | 1241, 1243, 1245, 1247, 1262, 1272 |
| Title 13, 17 | | 04/02/09 ADOPT: 3334 AMEND: 3000 |
| 05/29/09 | ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118 | 02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375 |
| Title 14 | | 02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 |
| 06/23/09 | AMEND: 3959(b)(4) | Title 16 |
| 06/23/09 | ADOPT: 4351.1 AMEND: 4351 | 06/26/09 ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623 |
| 06/16/09 | AMEND: 753.5 | 06/26/09 AMEND: 426.51 |
| 06/15/09 | AMEND: 27.80 | 06/16/09 AMEND: 1524 |
| 06/12/09 | AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708 | 06/12/09 AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068 |
| 06/02/09 | AMEND: 7.50(b)(91.1) | 06/03/09 AMEND: 1888 |
| 05/26/09 | AMEND: 7.00, 7.50 | 06/02/09 AMEND: 1419, 1419.1, 1419.3 |
| 05/21/09 | AMEND: 7.50(b)(178) | 05/20/09 ADOPT: 1815 AMEND: 1886.40 |
| 05/15/09 | AMEND: 790, 818.02, 827.02 | 04/28/09 AMEND: 1524 |
| 05/14/09 | ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3 | 04/27/09 AMEND: 1760 |
| 05/13/09 | AMEND: 25201 | 04/03/09 AMEND: 3830 |
| 05/07/09 | AMEND: 25201 | 03/24/09 ADOPT: 1398.12 |
| 05/04/09 | AMEND: 670.5 | 03/20/09 AMEND: 1937, 1950, 1950.5, 1953 |
| 04/27/09 | ADOPT: 749.5 | 03/11/09 AMEND: 1715, 1784, Form 17M-13, Form 17M-14, Form 17M-26 |
| 04/08/09 | AMEND: 2245, 2320 | 03/04/09 AMEND: 4181 |
| 03/18/09 | AMEND: 632 | 03/04/09 AMEND: 1351.5, 1352 |
| 03/16/09 | ADOPT: 20004.1, 20009.1, 20009.2 AMEND: 20000, 20001, 20002, 20003, 20004, 20005, 20008, 20009 | 03/04/09 ADOPT: 389 |
| 03/04/09 | AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730 | 03/04/09 AMEND: 998 |
| 03/03/09 | ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58 | 03/04/09 AMEND: 950.2 |
| 03/02/09 | AMEND: 791.7(a), Form FG OSPR-1924, Form FG OSPR-1925, Form FG OSPR-1972 | 03/03/09 AMEND: 305 REPEAL: 306.1 |
| 02/25/09 | AMEND: 1038, 1052 | 02/11/09 AMEND: 950.3 |
| 02/23/09 | ADOPT: 749.4 | 02/03/09 ADOPT: 2068.7 |
| 01/28/09 | AMEND: 701 | 01/28/09 AMEND: 950.2 |
| Title 15 | | 01/28/09 ADOPT: 1832.5 |
| 06/17/09 | ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740 | Title 17 |
| 06/17/09 | ADOPT: 3099 | 06/18/09 AMEND: 94508, 94509, 94510, 94512, 94513, 94515 |
| 05/12/09 | AMEND: 3000, 3190, 3375, 3376.1, 3379 | 04/24/09 AMEND: 30100, 30346.1, 30373 |
| 05/04/09 | AMEND: 3335(d)(3) | 03/11/09 AMEND: 93119 |
| 04/20/09 | AMEND: 1004, 1006, 1007, 1008, 1012, 1013, 1018, 1027, 1028, 1029, 1032, 1040, 1044, 1045, 1046, 1055, 1056, | 02/03/09 ADOPT: 100701 |
| | | 01/29/09 ADOPT: 33060 AMEND: 33007, 33010, 33020, 33025, 33030, 33040 |
| | | 01/28/09 AMEND: 950.2 |
| | | 01/28/09 ADOPT: 1832.5 |
| | | Title 18 |
| | | 06/04/09 AMEND: 1532, 1533.1, 1533.2, 1534, 1535 |
| | | 05/21/09 AMEND: 25114 |
| | | 05/12/09 AMEND: 1502 |

04/29/09 AMEND: 1591
 04/06/09 ADOPT: 25113 AMEND: 25111
 03/19/09 AMEND: 23701, 23772
 03/11/09 AMEND: 1506, 1524
 03/11/09 AMEND: 1705
 02/05/09 AMEND: 1620

Title 20

06/23/09 AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2
 06/04/09 AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6, 3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2, 14.3, 14.6, 15.2, 17.3, 17.4, 18.1
 04/22/09 ADOPT: 3100, 3101, 3101.5, 3102, 3103, 3104, 3105, 3106, 3107, 3108

Title 21

06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711
 05/14/09 AMEND: 1554, 1556

Title 22

06/17/09 AMEND: 926–3, 926–4, 926–5
 05/21/09 AMEND: 2601–1
 04/21/09 AMEND: 51543
 03/12/09 AMEND: 51517
 03/03/09 ADOPT: 63000.48, 63051, 63052
 AMEND: 63000.16, 63000.25, 63000.43, 63000.46, 63000.66, 63000.68, 63000.77, 63010, 63011, 63013, 63020, 63021, 63029, 63030, 63040, 63050, 63055 REPEAL: 63051
 02/04/09 ADOPT: 66260.201, 66260.202, 66273.7, 66273.33.5, 66273.41, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, and 66273.77 AMEND: 66260.10, 66260.23, 66261.4, 66261.9, 66261.50, appendix X of chapter 11, 66264.1, 66265.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.8, 66273.9, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36, 66273.37, 66273.38, 66273.39, 66273.40, 66273.51, 66273.52, 66273.53, 66273.54, 66273.55, 66273.56, 66273.60, 66273.61, 66273.62, and 67100.2 REPEAL: 6 6273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.6, 66273.7.7, 66273.7.8, 66273.7.9, 66273.7.10, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18,

66273.19, 66273.20, 66273.21, 66273.41, 66273.70, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, and 66273.90 Articles Affected: Amend article 3; Adopt new article 4; Renumber old article 4 to article 5; Renumber old article 5 to article 6; Repeal old article 6; Repeal old article 7 and adopt new article 7.

01/29/09 AMEND: 97174

01/28/09 AMEND: 41508, 41509, 41510, 41511, 41512, 41514, 41515, 41515.1, 41515.2, 41516, 41516.1, 41516.3, 41517, 41517.3, 41517.5, 41517.7, 41518, 41518.2, 41518.3, 41518.4, 41518.5, 41518.7, 41518.8, 41518.9, 41519, 41610, 41611, 41670, 41671, 41672, 41700, 41800, 41811, 41815, 41819, 41823, 41827, 41831, 41832, 41835, 41839, 41844, 41848, 41852, 41856, 41864, 41866, 41868, 41872, 41900, 42000, 42050, 42075, 42110, 42115, 42120, 42125, 42130, 42131, 42132, 42140, 42160, 42180, 42305, 42320, 42321, 42326, 42330, 42400, 42401, 42402, 42403, 42404, 42405, 42406, 42407, 42420, 42700, 42701, 42702, 42703, 42705, 42706, 42707, 42708, 42709, 42710, 42711, 42712, 42713, 42714, 42715, 42716, 42717, 42718, 42719, 42720 REPEAL: 42800, 42801

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06/25/09 ADOPT: 3989.8
 06/16/09 ADOPT: 3939.36
 06/01/09 ADOPT: 2631.2
 05/14/09 ADOPT: 2920
 02/19/09 ADOPT: 3939.35
 02/03/09 AMEND: 3989

Title 25

05/22/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
 05/20/09 AMEND: 8217
 05/13/09 ADOPT: 6932 REPEAL: 6932
 05/07/09 ADOPT: 6932 REPEAL: 6932
 02/11/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216

Title 27

04/07/09 AMEND: 25705(b)
 02/18/09 AMEND: 20921

Title MPP

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| 06/29/09 | AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306 | 02/05/09 | ADOPT: 40-037, 70-101, 70-102, 70-103, 70-104, 70-105 AMEND: 30-755, 30-770, 40-105, 42-430, 42-431, 42-433, 42-711, 49-020, 49-030, 49-060, 63-403, 69-201, 69-202, 69-205 |
| 02/09/09 | AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-182 | | |

